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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MATTHEW A. I. UA CRUADHLAOICH,
Plaintiff,
v.
PENNY S. PRITZKER, SECRETARY,
U.S. DEPARTMENT OF COMMERCE,
Defendant.

Case No. C 12-02723 EDL

DEFENDANT'S ADMINISTRATIVE
MOTION TO VACATE PRETRIAL
CONFERENCE AND TRIAL DATES;
DECLARATION OF CLAIRE T.
CORMIER; [PROPOSED] ORDER
[Local Rules 6-3 and 7-11]

Defendant's counsel emailed Plaintiff on February 13 and February 18, 2014 seeking Plaintiff's stipulation to the relief requested in this motion. Defendant's counsel has received no response.

On December 17, 2013, the Court adopted a schedule proposed by the parties with regard to responses to document requests, a potential motion to compel, and Defendant's summary judgment motion. The Court did not modify the dates for the pretrial conference or trial at that time. Had a motion to compel not been filed, Defendant's motion for summary judgment would have been heard on March 11, 2014. Instead, Plaintiff's motion to compel is now scheduled to be heard on that date, and the date of the hearing on Defendant's motion for summary judgment is uncertain. The case is currently scheduled for a pretrial conference on April 8, 2014, and trial is scheduled to commence on April 28, 2014.

Because it is not currently known what the result of the motion to compel will be or when Plaintiff will be required to respond to Defendant's motion for summary judgment, Defendant respectfully requests

that the Court vacate the currently scheduled dates for the pretrial conference and trial and that those dates be rescheduled, if necessary, after a ruling on Defendant's summary judgment motion.

Respectfully submitted,

Dated: February 24, 2014

MELINDA HAAG
UNITED STATES ATTORNEY

/s/ Claire T. Cormier

By: _____
CLAIRE T. CORMIER
Assistant U.S. Attorney

DECLARATION OF CLAIRE T. CORMIER

I, Claire T. Cormier, declare as follows:

1. I am an Assistant United States Attorney for the Northern District of California. This case has been assigned to me. The matters stated in this declaration are true of my own knowledge and, if necessary, I could and would competently testify to them.

2. On February 13 and again on February 18, 2014, I emailed Plaintiff seeking his stipulation to the relief requested in this motion. As of this writing, I have received no response from Plaintiff.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 24th day of February, 2014, at San Jose, California.

/s/ Claire T. Cormier

CLAIRE T. CORMIER

[PROPOSED] ORDER

Upon motion of the Defendant and good cause appearing, IT IS HEREBY ORDERED that the pretrial conference, currently scheduled for April 8, 2014, and the trial, currently scheduled for April 28, 2014, are hereby VACATED. The Court will confer with the parties at or after upcoming motion hearings to reschedule those dates, if necessary.

Dated: _____, 2014

HON. ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

DEFENDANT'S ADMINISTRATIVE MOTION TO VACATE PRETRIAL CONFERENCE AND TRIAL DATES; DECLARATION OF CLAIRE T. CORMIER; [PROPOSED] ORDER

TO BE SERVED THIS DATE UPON THE PARTY IN THIS ACTION BY PLACING A TRUE COPY THEREOF IN A SEALED ENVELOPE, AND SERVED AS FOLLOWS:

☒ FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ PERSONAL SERVICE (BY MESSENGER)

☐ FACSIMILE (FAX) Telephone No.: _____

☒ ELECTRONIC MAIL by e-mailing the documents to the following e-mail address: matthew.uacruadhlaioich@gmail.com

to the party addressed as follows:

Matthew A. I. Ua Cruadhlaioich
3440 Redwood Court, Unit 2
Castro Valley, CA 94546

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of February, 2014, at San Jose, California.

/s/ Claire T. Cormier

Claire T. Cormier